

JAMES S. THOMSON
California SBN 79658
Attorney and Counselor at Law
732 Addison Street, Suite A
Berkeley, California 94710
Telephone: (510) 525-9123
Facsimile: (510) 525-9124
Email: james@ycbtal.net

TIMOTHY J. FOLEY
California SBN 111558
Attorney at Law
1017 L Street, Number 348
Sacramento, California 95814
Telephone: (916) 599-3501
Email: tfoley9@earthlink.net

Attorneys for Defendant
JUSTIN GRAY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN GRAY, ET AL.

Defendants.

Case No. 1:20-cr-00238-JLT-SKO

**JUSTIN GRAY'S RESPONSE TO ORDER
TO SHOW CAUSE**

Justin Gray, through counsel, submits this Response to the Court's Order to Mr. Gray to Show Cause Why His Trial Should Not be Combined With the Codefendants. Doc. # 2008.

The Court's Order appears to be based on a misunderstanding. Mr. Gray is charged in the Fourth Superseding Indictment in only two counts, Count Two and Count Three, violations of 18 U.S.C. § 1959(a), murder in aid of racketeering. Doc. # 1970, at 11. He is NOT charged in Count One, the RICO conspiracy charge. Doc. # 1970, at 5. Nor does the latest indictment alleged that he is a member or associate of the Aryan Brotherhood. Doc. # 1970, at 2, para. 3; see also Doc. # 2006 (Mr. Gray arraigned on Counts 2 and 3).

1 Thus, the circumstances have not changed. As before, Mr. Gray is the only
2 remaining defendant who is not alleged to be part of the RICO conspiracy.¹

3 Mr. Gray's motion for severance was granted by the Court in October, 2024. Doc.
4 # 1340. The analysis of the Court in the order granting severance remains both insightful
5 and correct. The Court agreed that including Mr. Gray in a trial that presented evidence of
6 a RICO conspiracy lasting a decade and involving the introduction of numerous crimes of
7 violence having no connection to him would have been acutely, and unfairly, prejudicial.
8 See *United States v. Gallo*, 668 F.Supp. 736, 750 (E.D.N.Y. 1987).

9 There is no reason for the Court to reconsider the order to sever Mr. Gray's case
10 from the codefendants.

11
12 DATED: August 22, 2025

Respectfully submitted,

13 /s/ James S. Thomson

14 /s/ Timothy J. Foley

15 JAMES S. THOMSON
16 TIMOTHY J. FOLEY
Attorneys for JUSTIN GRAY

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27 ¹ A new defendant, Mr. Van Beusekom, was added. Mr. Van Beusekom is charged with
28 the conspiracy count, as are the other four remaining defendants, Mssrs. Weaver, Pitchford,
Collins and Perkins. Doc. # 1970, at 5. Mr. Gray alone is not charged with the RICO count.